

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY – BERGEN COUNTY**

| | | |
|--|---|------------------------------|
| ELIEZER SANTOS-MOTA and TATIANA SERI, | : | |
| | : | USDC DOCKET NO.: 2:18-CV- |
| | : | |
| Plaintiffs, | : | |
| | : | SUPERIOR COURT OF NEW JERSEY |
| -vs- | : | LAW DIVISION: BERGEN COUNTY |
| | : | Docket No.: L-9164-17 |
| DEAN JAY FURMAN, JOHN DOE (1-3 of them – fictitiously named), J.B. HUNT TRANSPORT, INC. and XYZ COMPANY (1-3 of them – fictitiously named), | : | CIVIL ACTION |
| | : | |
| Defendants. | : | |

NOTICE OF REMOVAL

TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY:

Defendants, Dean Jay Furman and J.B. Hunt Transport, Inc. (moving defendants),
by and through their attorneys Rawle & Henderson LLP, respectfully avers as follows:

1. At all times material, Eliezer Santos-Mota, is a citizen of the State of New York and currently reside at 103 West 183rd Street, County of Bronx, and the State of New York. (see **Exhibit “A”** - Plaintiff's Complaint).

2. Defendant, J.B. Hunt Transport, Inc., at all times material is a corporation under the laws of the State of Georgia with its principal place of business located at 615 J.B. Hunt Corporate Drive, Lowell, Arkansas 72745. Dean Jay Furman was and is a resident of the State of Wilbraham, Massachusetts.

3. Plaintiffs commenced a civil action in the Superior Court of New Jersey for Bergen County, on or about December 28, 2017.

4. It is believed that the Complaint was served on moving defendant on January 9, 2018.

5. It is the position of moving defendant that the service of the Complaint was improper pursuant to the New Jersey Court Rules 4:4-4 given plaintiff did not serve the Complaint on moving defendant registered agent.

6. In addition, plaintiff has failed to prove that they attempted service in New Jersey and have failed to provide an affidavit stating that despite diligent effort and inquiry personal service cannot be made in New Jersey in accordance with New Jersey Court Rule 4:4-4(a).

7. Even if this Honorable Court concludes that service was proper, this Removal petition is being filed within 30 days of service of the Complaint.

8. There are no other known defendants in this matter.

9. A review of plaintiffs' Complaint reveals plaintiffs Eliezer Santos-Mota and Tatiana Seri, allegedly sustained severe personal injuries, both internal and external and both temporary and permanent in nature, has suffered, is suffering and may in the future suffer great pain and discomfort, has incurred, is incurring and may in the future be caused to incur expenses for hospital and/or medical treatment in an effort to cure and alleviate said injuries and may in the future be unable to pursue activities, resulting in a loss of monies."

10. Based on the fair reading of the Complaint, plaintiffs have set forth a claim in which the amount is in the excess of jurisdictional limits of \$75,000.00, exclusive of interest and costs which may be at stake.

11. Diversity of citizenship within the meaning of 28 U.S.C. §1332 exists between plaintiffs and defendant since: (a) plaintiff is a citizens, residents and reside in the state of New Jersey and defendant J.B. Hunt Transport, Inc. at all material times was and is a corporation incorporated under the laws of the State of Georgia with principal place of business at 615 J.B. Hunt Corporate Drive, Lowell, Arkansas 72745. Dean Jay Furman was and is a resident of the State of Wilbraham, Massachusetts.

12. Furthermore, diversity of citizenship existed at the time the action sought to be removed was commenced and continues through the time of filing of this notice such that moving defendants are entitled to removal pursuant to 28 U.S.C. §1441, as amended and 28 U.S.C. §1446.

WHEREFORE, Dean Jay Furman and J.B. Hunt Transport, Inc., claim that the above-captioned action now pending in the Superior Court of New Jersey, Law Division, Bergen County, be removed therefrom to this Honorable Court.

DATED: New York, New York
February 8, 2018

By: _____

RAWLE & HENDERSON LLP

Anthony D. Luis, Esquire
Attorney No.: 057692014
aluis@rawle.com
Rawle & Henderson LLP
14 Wall Street – 27th Floor
New York, New York 10005
Telephone No.: 1 (212) 323-7070
Attorney for Defendants
DEAN JAY FURMAN AND
J.B. HUNT TRANSPORT, INC.
Our File No.: 718953

TO: Raymond P. Vivino, Esq.
NJ Attorney I.D. No.: 213091965
VIVINO & VIVINO, ESQS.
402 Hamburg Turnpike
P.O. Box 2242
Wayne, New Jersey 07474-2242
E-Mail: vivinolaw@aol.com
Telephone No.: 1 (973) 790-1661
Attorney for Plaintiffs
ELIEZER SANTOS-MOTA
and TATIANA SERI